

PROB 12B
(7/93)

United States District Court

for

District of New Jersey

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: August Vergallito

Cr.:07-00347-001

PACTS#: 18082

Name of Sentencing Judicial Officer: Honorable Susan D. Wigenton

Date of Original Sentence: 09-22-08

Original Offense: Conspiracy to Defraud the United States (18 U.S.C. § 371)

Original Sentence: 5 years probation

Type of Supervision: Probation

Date Supervision Commenced: 09-22-08

PETITIONING THE COURT

To modify the conditions of supervision as follows:

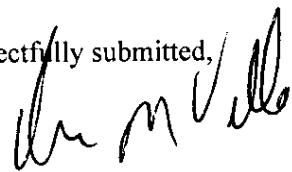
1. Removing the special condition of home confinement.
2. Setting the monthly restitution payment schedule at \$50.

CAUSE

The offender has been in and out of the hospital and nursing home since October 2008. Specifically, he has been residing in a health care setting since February 2009. According to medical personnel, Mr. Vergallito will most likely require long-term care within a facility. If and when he is released to his home, he will require constant in-home nursing care. In essence, Mr. Vergallito's permanent stay at a health care facility appears to be imminent. As such, we respectfully request the home condition be removed all together.

The offender was ordered to pay \$68,203 in restitution. However, a monthly restitution payment schedule was not set at sentencing. The offender and his wife have been hospitalized for some time. They both receive Social Security benefits and partial pensions and are accumulating various medical expenses. As such, we respectfully request that a minimum monthly payment schedule of \$50 be set.

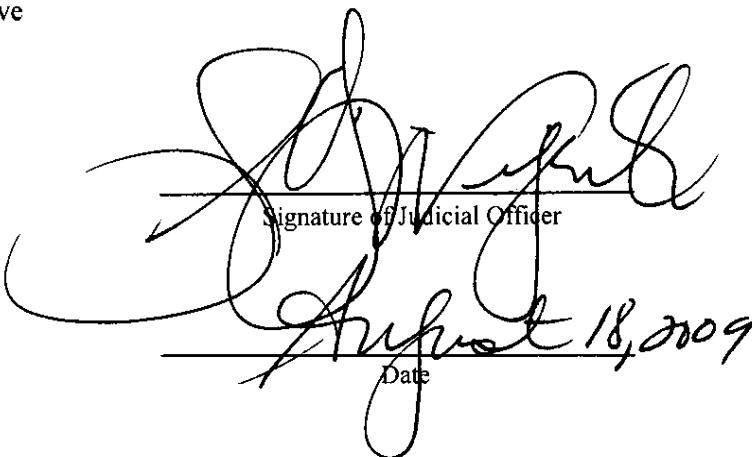
Respectfully submitted,



By: Kevin M. Villa
Senior U.S. Probation Officer
Date: July 28, 2009

THE COURT ORDERS:

The Modification of Conditions as Noted Above
 The Extension of Supervision as Noted Above
 No Action
 Other



Signature of Judicial Officer

August 18, 2009

Date